IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
CIVIL APPLICATION NO.1573 OF 2007
IN
FIRST APPEAL NO.5099 OF 2007

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Ms Shama Ghotekar for the Applicant
Mr.T.J.Mendon for Respondent Nos.1 to 3.

CORAM: A.S.OKA, J.
DATE : SEPTEMBER 28,2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for Respondent Nos.1 to 3. The delay is of 366 days. The learned Advocate for Respondent Nos.1 to 3 opposed the application by pointing out that there is no explanation for such a long delay of 366 days.

2. It is true that there is no elaborate explanation for delay in the application. However, it is stated that the certified copy was received on 20-1-2006 and the file of the case was missing. Considering the facts and circumstances of the case, delay deserves to be condoned subject to payment of heavy costs. Hence, rule is

made absolute in terms of prayer clause (a) subject to the applicant paying costs of Rs.3000/- to the Respondent Nos.1 to 3 within a period of four weeks from today. Payment of costs will be a condition precedent. The deposit of amount of costs in this court will be treated as sufficient compliance with this order.

JUDGE